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3/11/09

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March 11, 2009

VIA FACSIMILE

Hon. Michael H. Dolinger  
 United States Magistrate Judge  
 Daniel Patrick Moynihan  
 United States Courthouse 500 Pearl St., Room 1670  
 New York, NY 10007

## Re: CASES CONSOLIDATED FOR DISCOVERY:

**Fendi Adele, s.r.l. et al. v. Burlington Coat Factory Warehouse Corp., et. al.,**

**Case No. 06 Civ. 0085 (LBS) (MHD)**

**Fendi Adele, s.r.l. et al. v. Ashley Reed Trading, Inc., et al.,**

**Case No. 06 Civ. 0243 (RMB) (MHD)**

**Fendi Adele, s.r.l. et al. v. Filene's Basement, Inc., et al.,**

**Case No. 06 Civ. 0244 (RMB) (MHD)**

**Fendi Adele, s.r.l. et al. v. 546332 BC Ltd., d/b/a Colton Int'l, et al.,**

**Case No. 06 Civ. 7084 (JGK) (MHD)**

Dear Judge Dolinger:

We represent the Fendi plaintiffs in the above-referenced matters. Pursuant to this Court's Order dated December 5, 2006, parties are required to file redacted motion papers in the public record with the Court regarding stamped confidential material and unredacted copies of the confidential portions under seal.

Motions for summary judgment in each of these were served on February 27, 2009. Defendants were given the opportunity to review the un-redacted versions and propose redactions to plaintiffs, in order to ensure that protected information is not inadvertently disclosed. Plaintiffs reached agreement as to what needed to be redacted with the *Ashley Reed Trading* and *Filene's Basement* parties. *Burlington Coat Factory*'s counsel stated that they did not have time to respond to us before the due date for filing; accordingly, all references to material previously designated as confidential were redacted. Finally, with regard to *Colton International*, we accommodated most of most of their counsel's redaction requests but would not agree to redact references to material that had not previously been designated as confidential.

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Plaintiffs then filed in the public record via ECF motions for the *Ashley Reed Trading, Inc.* and *Filene's Basement* matters on March 4, 2009 and *Burlington Coat Factory* and *Colton International* matters on March 6, 2009.

With regards to the *Burlington Coat Factory* matter (06-cv-0085), plaintiffs filed redacted versions of:

1. Plaintiffs' Memorandum of Law in Support of their Motion For Summary Judgment – Docket # 248;
2. Plaintiffs' Statement Pursuant to Local Civil Rule 56.1 – Docket # 249;
3. Declaration of James J. Donohue with supporting exhibits – Docket # 251; and
4. Declaration of Victor Genecin – Docket # 253. - Exhibits 15, 20-23, 30, 38-39 and 43-44 to the Victor Genecin Declaration contain confidential information.

With regards to the *Ashley Reed Trading Inc.* matter (06-cv-0243), plaintiffs filed redacted versions of:

1. Plaintiffs' Corrected Memorandum of Law in Support of their Motion For Summary Judgment – Docket # 88;
2. Plaintiffs' Corrected Statement Pursuant to Local Civil Rule 56.1 – Docket # 89; and
3. Declaration of James J. Donohue with supporting exhibits – Docket # 91.

With regards to the *Filene's Basement* matter (06-cv-0244), plaintiffs filed redacted versions of:

1. Plaintiffs' Memorandum of Law in Support of their Motion For Summary Judgment – Docket # 91;
2. Plaintiffs' Statement Pursuant to Local Civil Rule 56.1 – Docket # 92;
3. Declaration of James J. Donohue with supporting exhibits – Docket # 94; and
4. Declaration of Victor Genecin – Docket # 96. - Exhibits 9, 15-21, 29, 31-32 and 36 to the Victor Genecin Declaration contain confidential information.

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With regards to the *Colton International* matter (06-cv-7084), plaintiffs filed redacted versions of:

1. Plaintiffs' Memorandum of Law in Support of their Motion For Summary Judgment – Docket # 56;
2. Plaintiffs' Statement Pursuant to Local Civil Rule 56.1 – Docket # 57;
3. Declaration of Alberto Fabbri with supporting exhibits – Docket #58;
4. Declaration of James J. Donohue with supporting exhibits – Docket # 59; and
5. Declaration of Victor Genecin – Docket # 60. - Exhibits 11, 24 and 27 to the Victor Genecin Declaration contain confidential information.

The Clerk of the Court requires a specific order regarding specific documents in order to accept filings under seal. We hereby request the Court's permission to file under seal un-redacted versions of the above-referenced documents with the Clerk of the Court and that the Court "So Order" this letter for that purpose.

We are grateful for the Court's attention to this matter.

Respectfully,

SQUIRE, SANDERS & DEMPSEY L.L.P.

  
Richard L. Mattiaccio

cc: All counsel of record (by electronic mail)